

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATION  
INTER-OFFICE MEMO**

**March 5, 2012**

**TO: Rosemary Booth Gallogly**

**DEPT: Department of Revenue**

**FROM: Walter Craddock, Esq. Chairman**

**DEPT: Division of Motor Vehicles**

**SUBJECT: HEARING BOARD RESULTS**

**Please be advised of the following matters which were heard before the Board on Thursday, February 9, 2011. Board members: Walter Craddock, Esq., Dennis Gerstmeyer, James Botvin and William Jeffery. Also present Marcy Coleman, Esq., Division of Legal Services and Sgt. David Doucet of Enforcement Office.**

**Sgt. David Doucet of the Rhode Island State Police has recused himself from the dealer hearing board while on special assignment the Department of Motor Vehicles Enforcement Division until further notice.**

**MEETING OF FEBRUARY 9, 2012 AT 9:00 AM AT THE  
DIVISION OF MOTOR VEHICLES –3RD. FLOOR, CONFERENCE  
ROOM, 600 NEW LONDON AVENUE, CRANSTON, RI 02920**

**1. REVIEW AND ACCEPTANCE OF THE MINUTES OF: JANUARY 26,  
2012 BOARD HEARING**

**Minutes have been reviewed and accepted by the board**

**2. CHRISTOPHER MOTORS, (George Y. Rizk owner) KR-12-045  
DEALERSHIP REQUESTING A VARIANCE IN THE PROCUREMENT OF  
A NEW LOCATION AS A RESULT OR CONDEMNATION OF HIS  
CURRENT LOCATION BY THE RI DEPARTMENT OF  
TRANSPORTATION.**

**Decision: The Board has determined that any previously granted  
privileges shall continue with the license within limits and the  
building must be the same size or larger than the current building.**

**3. RICHMOND MOTOR SALES INC (Angela Badway, President)  
ANNEX APPLICATION CASE # KR-12-020**

**AT: 519 PAWTUCKET AVENUE, PAWTUCKET, RI 02860**

**Decision: The Board has granted the annex application subject to the  
lease being notarized.**

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**HEARING BOARD RESULTS 2-9-12**

**4. DELTA AUTO SALES, (Edward Pontarelli, Pres.)**

**TRANSFER APPLICATION CASE # KR-12-028**

**FROM: 42 STARR STREET, JOHNSTON, RI 02919**

**TO: 30 ACORN STREET, PROVIDENCE, RI 02903**

**Decision: The Board has approved the transfer application subject to the submission of a second hand license to the RI Dealers License and Regulations Office.**

**5. D&M MOTOR SALES INC. (Michael J. Notarianni, President)**

**TRANSFER APPLICATION CASE# KR12-036**

**FROM: 178 PHENIX AVENUE, CRANSTON, RI 02920**

**TO: 50 LIBERA STREET, CRANSTON, RI 02920**

**This case was postponed at the request of the dealership.**

**6. DEALERS LICENSE AND REGULATIONS OFFICE V. BERNIER'S  
AUTO AND TRAILER SALES , LLC. (Susan Patras, Partner)**

**DEALERSHIP CLASSIFICATION CHANGE FROM NEW TO USED.  
CASE# KR12-038**

**Decision: The Board has determined that the dealership status will be changed from a new car dealership to a used car dealership. The dealership will be issued a used car license and the dealer will turn in his new car dealer plates and be issued two used car dealer plates.**

**7 DEALERS LICENSE AND REGULATIONS OFFICE V. COMPETITION  
IMPORTS INC (Eugene Lawrence Alofsin, President)**

**DEALERSHIP CLASSIFICATION CHANGE FROM NEW TO USED.  
CASE# KR12-037**

**Decision: The Board has determined that the dealership status will be changed from a new car dealership to a used car dealership. The dealership will be issued a used car license and the dealer will turn in his new car dealer plates and be issued nine used car dealer plates.**

**8 VILLAGE MOTOR SALES, (John Capelli, President)**

**REQUEST FOR ADDITIONAL DEALER PLATES. CASE# KR12-041**

**Decision: The Board has awarded the dealership 7 additional dealer plates.**

**9. NEW ENGLAND AUTO PAWN LLC, (Kiara Peralta, Member) AND GEMINI AUTO SALES, (David Defreitas, Member) CASE# KR12-025 TO OBTAIN VEHICLES AS COLLATERAL FOR LOANS AND SELL THE VEHICLES THROUGH PARTNERSHIP WITH LICENSED DEALERSHIP**

**This hearing has been tabled to allow the attorney for the Department of Motor Vehicles to confer with the attorney for New England Auto Pawn LLC and Gemini Auto Sales.**

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**HEARING BOARD RESULTS 2-9-12**

**10. DEALERS LICENSE AND REGULATIONS OFFICE V. FIVE STAR AUTO SALES, (Robin Perez, Partner) CASE# KR12-022  
FAILED TO RENEW LICENSE BOARD TO DETERMINE APPROPRIATE ACTION.**

**Decision: The Board has determined that the dealership license will not be renewed because of the following violations.**

**RI Rules and Regulations VI (A) (1) : Any scrap/salvage dealers must set up an entirely separate place of business to operate as a motor vehicle dealer.**

**RIGL§ 31-5-11 (1), (3), and (10): (1) proof of unfitness of applicant to do business as a motor vehicle dealer; (3) failing to comply with the provisions of this section or with any rule or regulation promulgated by the department under §§ 31-5-1 – 31-5-20. and (10) for having indulged in any unconscionable practice relating to business as a motor vehicle dealer.**

**11. DEALERS LICENSE AND REGULATIONS OFFICE V. SUNSET AUTO SALES, INC (Carlos Baez, President) CASE# KR12-021  
FAILED TO RENEW LICENSE BOARD TO DETERMINE APPROPRIATE ACTION.**

**This case has been tabled to allow the opportunity for the legal representative for Five Star Auto Sales to be present at the hearing.**

**12. JAMES EVANS V. ROUTE 44 AUTO SALES, (Frank Fiorenzano, President)**

**SHOW CAUSE HEARING CASE# KR11-0352**

**This hearing was postponed at the request of Jeffrey F. Caffrey, Esq. legal representative for Route 44 Auto Sales, Inc.**

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**Walter Craddock, Esq. Chairman**

**Cc: John DiTomasso, Assistant Administrator, DMV**

**Marcy Coleman, Esq., Division of Legal Services, DOR**

**File**